

THURSDAY, APRIL 28, 2011

TWENTY-EIGHTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Gene Nelson of Trenton Street Baptist Church in Harriman, Tennessee, a guest of Senator Yager.

PLEDGE OF ALLEGIANCE

Senator Yager led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

April 26, 2011

Lt. Governor Ron Ramsey
One Legislative Plaza
Nashville, TN 37243

Dear Mr. Speaker:

I respectfully request to be excused from the Senate Session on Thursday, April 28, in order to travel to Atlanta, Georgia to participate in a meeting of the Communications, Policy & Economic Development Council of the Consortium for Advanced Simulation of Light Water Reactors to which I was appointed in conjunction with my position on the Southern States Energy Board. Thank you for your consideration of this request.

Sincerely,

/s/ Mark Norris
Senator

APPROVED: Lieutenant Governor
Ron Ramsey

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 107, 113, 315, 369 with amendment, 439, 448, 602, 607, 710 with amendment, 763 with amendment, 1265 with amendment, 1284 with amendment, 1686 and 2004.

MCNALLY, Chairperson
April 26, 2011

The Speaker announced that he had referred Senate Bills Nos. 107, 113, 315, 369 with amendment, 439, 448, 602, 607, 710 with amendment, 763 with amendment, 1265 with amendment, 1284 with amendment, 1686 and 2004 to the Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 321 with amendment, 455, 572 with amendment, 1035 with amendment, 1037, 1416 with amendment and 1945 with amendment; Senate Joint Resolution No. 103; and House Joint Resolutions Nos. 57 and 151; also, recommend that Senate Bills Nos. 782 with amendment, 1748 with amendment, 1772 and 1915 with amendment be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson
April 26, 2011

The Speaker announced that he had referred Senate Bills Nos. 321 with amendment, 455, 572 with amendment, 1035 with amendment, 1037, 1416 with amendment and 1945 with amendment; Senate Joint Resolution No. 103; and House Joint Resolutions Nos. 57 and 151 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 782 with amendment, 1748 with amendment, 1772 and 1915 with amendment to the Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 551 with amendment, 703 with amendment, 910 with amendment, 1158 with amendment, 1557 with amendments, 1796 with amendment, 1808 with amendment, 1936, 1963 and 1988 with amendment; also, recommend that Senate Bills Nos. 247 with amendment, 932 with amendment and 1420 with amendment be referred to Committee on Finance, Ways and Means; and Senate Bill No. 1239 be referred to Committee on State and Local Government.

JOHNSON, Chairperson
April 26, 2011

The Speaker announced that he had referred Senate Bills Nos. 551 with amendment, 703 with amendment, 910 with amendment, 1158 with amendment, 1557 with amendments, 1796 with amendment, 1808 with amendment, 1936, 1963 and 1988 with amendment to the Committee on Calendar.

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The Speaker announced that he had referred Senate Bills Nos. 247 with amendment, 932 with amendment and 1420 with amendment to the Committee on Finance, Ways and Means.

The Speaker announced that he had referred Senate Bill No. 1239 to the Committee on State and Local Government.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 764 with amendment, 1033 with amendment and 1522 with amendment; also, recommend that Senate Bill No. 1028 with amendment; and Senate Joint Resolution No. 183 with amendment be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
April 26, 2011

The Speaker announced that he had referred Senate Bills Nos. 764 with amendment, 1033 with amendment and 1522 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1028 with amendment; and Senate Joint Resolution No. 183 with amendment to the Committee on Finance, Ways and Means.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 522 with amendment, 616 with amendment, 817 with amendment, 1039 with amendment, 1065 with amendment, 1824 and 1935; Senate Joint Resolution No. 200; and House Joint Resolution No. 58; also, recommend that Senate Bills Nos. 1109 and 1110 with amendment be referred to Committee on Finance, Ways and Means.

CROWE, Chairperson
April 27, 2011

The Speaker announced that he had referred Senate Bills Nos. 522 with amendment, 616 with amendment, 817 with amendment, 1039 with amendment, 1065 with amendment, 1824 and 1935; Senate Joint Resolution No. 200; and House Joint Resolution No. 58 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1109 and 1110 with amendment to the Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 164 with amendment, 166, 167 with amendment, 168 with amendment, 171 with amendment, 172 with amendment, 173 with amendment, 185 with amendment, 194, 199 with amendment, 200 with amendment, 203 with amendment and 226 with amendment.

WATSON, Chairperson
April 27, 2011

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The Speaker announced that he had referred Senate Bills Nos. 164 with amendment, 166, 167 with amendment, 168 with amendment, 171 with amendment, 172 with amendment, 173 with amendment, 185 with amendment, 194, 199 with amendment, 200 with amendment, 203 with amendment and 226 with amendment to the Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 296 with amendment, 464, 559 with amendment, 803 and 1726 with amendment; also, recommend that Senate Bill No. 1658 with amendment; and Senate Joint Resolution No. 221 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
April 27, 2011

The Speaker announced that he had referred Senate Bills Nos. 296 with amendment, 464, 559 with amendment, 803 and 1726 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1658 with amendment; and Senate Joint Resolution No. 221 to the Committee on Finance, Ways and Means.

MOTION

Senator Ketron moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 185, 396, 544, 546, 600, 758, 794, 808, 965, 1055, 1093, 1120, 1134, 1135, 1909, 2035, 2133, 2134, 2141 through 2144 and 2148** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 185 -- Firearms and Ammunition -- As introduced, permits UT or TBR's farm employees to carry weapons on farms owned, used or operated by public higher education institutions. Amends TCA Section 39-17-1309.

House Bill No. 396 -- Victims' Rights -- As introduced, requires governor to notify attorney general and appropriate district attorney at least 10 days before any act of executive clemency is made public and requires district attorney to notify the victim of the offense for which the person was convicted. Amends TCA Title 40, Chapter 27.

House Bill No. 544 -- Tennessee Emergency Management Agency (TEMA) -- As introduced, establishes job qualifications for directors of local emergency management agencies. Amends TCA Title 58.

House Bill No. 546 -- Highway Signs -- As introduced, designates the "Spc. Michael Lane Stansbery, Jr." bridge in Wilson County.

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House Bill No. 600 -- Business and Commerce -- As introduced, enacts the "Equal Access to Intrastate Commerce Act". Amends TCA Title 4, Chapter 21, Part 1; Title 5; Title 6 and Title 7.

House Bill No. 758 -- Mortgages -- As introduced, adds exceptions to the licensure requirements under the "Tennessee Residential Lending, Brokerage and Servicing Act". Amends TCA Title 45, Chapter 13.

House Bill No. 794 -- Election Laws -- As introduced, creates criteria to enable a minor party to be recognized; permits name of candidate for such party to be listed under the appropriate column for a recognized minor party. Amends TCA Title 2, Chapter 1, Part 1; Title 2, Chapter 13, Part 1; Title 2, Chapter 13, Part 2 and Title 2, Chapter 5, Part 2.

House Bill No. 808 -- Sexual Offenders -- As introduced, allows three or more sexual offenders to establish primary or secondary residence together if the property on which they live has been zoned for a use other than residential or mixed use by the appropriate local zoning laws. Amends TCA Title 40, Chapter 39, Part 2.

House Bill No. 965 -- Public Contracts -- As introduced, prohibits a modification, alteration, change or deletion to any bid specification or requirement within 48 hours of the bid opening or bid acceptance when a statute, ordinance, resolution, rule or regulation mandates the use of competitive bidding of any kind or nature by a state agency, county or municipal corporation. Amends TCA Title 12, Chapter 4, Part 1.

House Bill No. 1055 -- Tobacco, Tobacco Products -- As introduced, requires licensed distributor reports filed with the Department of Revenue to be admitted into evidence as non-hearsay documents in all judicial and administrative proceedings. Amends TCA Title 67, Chapter 4, Part 26.

House Bill No. 1093 -- Emergency Communications Districts -- As introduced, allows state board to grant exceptions or waivers to certain employment requirements for emergency call-takers and public safety dispatchers. Amends TCA Section 7-86-205.

House Bill No. 1120 -- Election Laws -- As introduced, revises the definition of election official. Amends TCA Section 2-1-104.

House Bill No. 1134 -- Disabled Persons -- As introduced, replaces references to mental retardation with references to intellectual disabilities. Amends TCA Title 2; Title 4; Title 5; Title 8; Title 10; Title 37; Title 48; Title 49; Title 56; Title 63; Title 68; Title 70 and Title 71.

House Bill No. 1135 -- Charitable Solicitations -- As introduced, requires any charitable organization that solicited and received contributions related to a disaster occurring on or after May 1, 2010, to file a quarterly financial report with the secretary of state. Amends TCA Title 48, Chapter 1, Part 5 and Title 48, Chapter 101, Part 5.

House Bill No. 1909 -- Education -- As introduced, specifies that temporary absence of a member of a county board of education to serve in the military does not constitute a vacancy in office and is not subject to provisions of the code requiring a temporary replacement. Amends TCA Section 49-2-202.

House Bill No. 2035 -- Alcoholic Beverages -- As introduced, adds Cocke County to those counties where distilleries may be located without conducting an additional referendum if within the boundaries of the county both retail package sales and liquor-by-the-drink have been approved through voter referendum. Amends TCA Section 57-2-103.

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House Bill No. 2133 -- Appropriations -- As introduced, makes appropriations for fiscal year beginning July 1, 2010.

House Bill No. 2134 -- Bond Issues -- As introduced, authorizes the state to issue and sell bonds and anticipation notes of up to \$106.4 million for purpose of grants to the Southeast Tennessee Development District and the Industrial Development Board of the City of Memphis and Shelby County.

House Bill No. 2141 -- Fayetteville -- As introduced, subject to local approval, rewrites the charter. Amends Chapter 294 of the Acts of 1903.

House Bill No. 2142 -- Cheatham County -- As introduced, subject to local approval, permits flexibility for the development tax to be collected at the time a building permit is issued or to defer collection until a certificate of occupancy is issued. Amends Chapter 28 of the Private Acts of 1997.

House Bill No. 2143 -- Savannah -- As introduced, subject to local approval, requires two readings for passage of an ordinance instead of three. Amends Chapter 683 of the Private Acts of 1951.

House Bill No. 2144 -- Greene County -- As introduced, subject to local approval, abolishes the position of road commissioner. Amends Chapter 130 of the Private Acts of 1927; as amended.

House Bill No. 2148 -- Winchester -- As introduced, subject to local approval, modernizes the city charter.

MOTION

Senator Ketron moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 2111 and 2112** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 2111 Local bill -- held on desk.

Senate Bill No. 2112 Local bill -- held on desk.

MOTION

Senator Ketron moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 296 through 307**; and **Senate Resolutions Nos. 31 through 35** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

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Senate Joint Resolution No. 296 by Senator Kyle.

Memorials, Academic Achievement -- Katelyn Jasmine Eager, Salutatorian, Kingsbury High School.

Senate Joint Resolution No. 297 by Senator Kyle.

Memorials, Academic Achievement -- Chawan Jaafer Rasheed, Valedictorian, Kingsbury High School.

Senate Joint Resolution No. 298 by Senator Kyle.

Memorials, Academic Achievement -- Bryan Castor, Salutatorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 299 by Senator Kyle.

Memorials, Academic Achievement -- Alesha Nolen, Valedictorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 300 by Senator Barnes.

Memorials, Academic Achievement -- Patrick Paul Grady, Valedictorian, Clarksville High School.

Senate Joint Resolution No. 301 by Senator Barnes.

Memorials, Academic Achievement -- Rain Forrest Dartt, Valedictorian, Clarksville High School.

Senate Joint Resolution No. 302 by Senators Marrero, Kyle and Tate.

Memorials, Recognition -- Pink Palace Family of Museums.

Senate Joint Resolution No. 303 by Senator Johnson.

Memorials, Interns -- Matthew Meinel.

Senate Joint Resolution No. 304 by Senator Johnson.

Memorials, Interns -- Samantha Ferrell.

Senate Joint Resolution No. 305 by Senator Burks.

Memorials, Academic Achievement -- Brody Cook, Valedictorian, Pickett County High School.

Senate Joint Resolution No. 306 by Senator Burks.

Memorials, Academic Achievement -- Donna Beaty, Salutatorian, Pickett County High School.

Senate Joint Resolution No. 307 by Senator Burks.

Memorials, Academic Achievement -- Sarah Branham, Valedictorian, Pickett County High School.

Senate Resolution No. 31 by Senator Norris.

Memorials, Recognition -- Larry J. Silvey, 2011 Phoenix Award for Outstanding Contributions to Disaster Recovery by a Volunteer.

Senate Resolution No. 32 by Senator Gresham.

Memorials, Professional Achievement -- Jo Anna Morris, Sterling Award.

Senate Resolution No. 33 by Senator Gresham.

Memorials, Professional Achievement -- Andrea Bond Johnson, Sterling Award.

Senate Resolution No. 34 by Senator Gresham.

Memorials, Professional Achievement -- Patricia Jones, Sterling Award.

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Senate Resolution No. 35 by Senator Gresham.
Memorials, Professional Achievement -- Molly McCarley, Sterling Award.

MOTION

Senator Ketron moved, pursuant to Rule 21, **House Joint Resolutions Nos. 125, 127, 192, 200, 217, 290 through 298, 300 through 303, 307 through 324, 326, 328 and 329; Senate Joint Resolutions Nos. 276 and 278 through 293; and Senate Resolution No. 30** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 125 -- Naming and Designating -- "American Indian Heritage Month", September 2011.

The Speaker announced that he had referred House Joint Resolution No. 125 to the Committee on State and Local Government.

House Joint Resolution No. 127 -- TennCare -- Requires the Department of Human Services to study issues relating to spousal responsibility for nursing home care in the TennCare program and to report to certain legislative committees.

The Speaker announced that he had referred House Joint Resolution No. 127 to the Committee on General Welfare, Health and Human Resources.

House Joint Resolution No. 192 -- Naming and Designating -- "Certified Government Financial Manager Month", March 2011.

The Speaker announced that he had referred House Joint Resolution No. 192 to the Committee on State and Local Government.

House Joint Resolution No. 200 -- General Assembly, Statement of Intent or Position -- Urges citizens to refrain from using cell phones while driving in school zones.

The Speaker announced that he had referred House Joint Resolution No. 200 to the Committee on Transportation.

House Joint Resolution No. 217 -- Common Carriers -- Requests a variance from the Federal Motor Carrier Safety Administration to apply certain safety requirements on certain commercial motor vehicles transporting loads interstate; requests an amendment to federal safety standards to conform to the Tennessee requirements.

The Speaker announced that he had referred House Joint Resolution No. 217 to the Committee on Transportation.

House Joint Resolution No. 290 -- Memorials, Personal Occasion -- Bobby and Ava Oliver.

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The Speaker announced that he had referred House Joint Resolution No. 290 to the Committee on Calendar.

House Joint Resolution No. 291 -- Memorials, Recognition -- Memphis School of Preaching.

The Speaker announced that he had referred House Joint Resolution No. 291 to the Committee on Calendar.

House Joint Resolution No. 292 -- Memorials, Retirement -- Lafayette McKinnie.

The Speaker announced that he had referred House Joint Resolution No. 292 to the Committee on Calendar.

House Joint Resolution No. 293 -- Memorials, Academic Achievement -- K. D. Wainwright, Salutatorian, East Hickman High School.

The Speaker announced that he had referred House Joint Resolution No. 293 to the Committee on Calendar.

House Joint Resolution No. 294 -- Memorials, Academic Achievement -- Jamison Matney, Valedictorian, East Hickman High School.

The Speaker announced that he had referred House Joint Resolution No. 294 to the Committee on Calendar.

House Joint Resolution No. 295 -- Memorials, Academic Achievement -- Andrew Tod Wilson, Salutatorian, Creek Wood High School.

The Speaker announced that he had referred House Joint Resolution No. 295 to the Committee on Calendar.

House Joint Resolution No. 296 -- Memorials, Academic Achievement -- Hudson Talbert Bilbrey, Valedictorian, Creek Wood High School.

The Speaker announced that he had referred House Joint Resolution No. 296 to the Committee on Calendar.

House Joint Resolution No. 297 -- Memorials, Recognition -- First Annual Prestige Awards, Memphis City Schools.

The Speaker announced that he had referred House Joint Resolution No. 297 to the Committee on Calendar.

House Joint Resolution No. 298 -- Memorials, Public Service -- Donald L. Samuels.

The Speaker announced that he had referred House Joint Resolution No. 298 to the Committee on Calendar.

House Joint Resolution No. 300 -- Memorials, Recognition -- Shelly Udall, Bartlett Knights of Columbus Firefighter of the Year.

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The Speaker announced that he had referred House Joint Resolution No. 300 to the Committee on Calendar.

House Joint Resolution No. 301 -- Memorials, Recognition -- Detective Patrick Cici, Bartlett Police Department Officer of the Year.

The Speaker announced that he had referred House Joint Resolution No. 301 to the Committee on Calendar.

House Joint Resolution No. 302 -- Memorials, Recognition -- Dr. Herman Washington Green.

The Speaker announced that he had referred House Joint Resolution No. 302 to the Committee on Calendar.

House Joint Resolution No. 303 -- Memorials, Recognition -- Johnson City Medical Center, 100th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 303 to the Committee on Calendar.

House Joint Resolution No. 307 -- Memorials, Death -- Mason Rudolph.

The Speaker announced that he had referred House Joint Resolution No. 307 to the Committee on Calendar.

House Joint Resolution No. 308 -- Memorials, Academic Achievement -- Shean Erik Hubbard, Valedictorian, Greenbrier High School.

The Speaker announced that he had referred House Joint Resolution No. 308 to the Committee on Calendar.

House Joint Resolution No. 309 -- Memorials, Academic Achievement -- Andrea Ranee Baker, Salutatorian, Greenbrier High School.

The Speaker announced that he had referred House Joint Resolution No. 309 to the Committee on Calendar.

House Joint Resolution No. 310 -- Memorials, Academic Achievement -- Tiffany Michelle Crawford, Valedictorian, Jo Byrns High School.

The Speaker announced that he had referred House Joint Resolution No. 310 to the Committee on Calendar.

House Joint Resolution No. 311 -- Memorials, Academic Achievement -- Douglas James Bruce, Salutatorian, Jo Byrns High School.

The Speaker announced that he had referred House Joint Resolution No. 311 to the Committee on Calendar.

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House Joint Resolution No. 312 -- Memorials, Academic Achievement -- Christopher William Miller, Valedictorian, Springfield High School.

The Speaker announced that he had referred House Joint Resolution No. 312 to the Committee on Calendar.

House Joint Resolution No. 313 -- Memorials, Academic Achievement -- Brandon Christopher Stugner, Salutatorian, Springfield High School.

The Speaker announced that he had referred House Joint Resolution No. 313 to the Committee on Calendar.

House Joint Resolution No. 314 -- Memorials, Academic Achievement -- Caroline Grace Mullen, Valedictorian, White House Heritage High School.

The Speaker announced that he had referred House Joint Resolution No. 314 to the Committee on Calendar.

House Joint Resolution No. 315 -- Memorials, Academic Achievement -- Joseph Blake Garrett, Salutatorian, White House Heritage High School.

The Speaker announced that he had referred House Joint Resolution No. 315 to the Committee on Calendar.

House Joint Resolution No. 316 -- Memorials, Academic Achievement -- Gerald Wesley Alexander, Valedictorian, East Robertson High School.

The Speaker announced that he had referred House Joint Resolution No. 316 to the Committee on Calendar.

House Joint Resolution No. 317 -- Memorials, Academic Achievement -- Peyton Alexandria Orr, Salutatorian, East Robertson High School.

The Speaker announced that he had referred House Joint Resolution No. 317 to the Committee on Calendar.

House Joint Resolution No. 318 -- Memorials, Academic Achievement -- Alexandra Waters, Valedictorian, Christian Community High School.

The Speaker announced that he had referred House Joint Resolution No. 318 to the Committee on Calendar.

House Joint Resolution No. 319 -- Memorials, Academic Achievement -- Andrew Sommers, Salutatorian, Christian Community High School.

The Speaker announced that he had referred House Joint Resolution No. 319 to the Committee on Calendar.

House Joint Resolution No. 320 -- Memorials, Academic Achievement -- Matthew Monroe Hinson, Valedictorian, Dayspring Academy.

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The Speaker announced that he had referred House Joint Resolution No. 320 to the Committee on Calendar.

House Joint Resolution No. 321 -- Memorials, Academic Achievement -- Chelsea Nicole Cornelsen, Salutatorian, Dayspring Academy.

The Speaker announced that he had referred House Joint Resolution No. 321 to the Committee on Calendar.

House Joint Resolution No. 322 -- Memorials, Academic Achievement -- Jonathan Bryant, Valedictorian, South Haven Christian School.

The Speaker announced that he had referred House Joint Resolution No. 322 to the Committee on Calendar.

House Joint Resolution No. 323 -- Memorials, Academic Achievement -- Dustin Sattler, Salutatorian, South Haven Christian School.

The Speaker announced that he had referred House Joint Resolution No. 323 to the Committee on Calendar.

House Joint Resolution No. 324 -- Memorials, Sports -- Tri-Cities Christian School girls' basketball team, winners of Tennessee Athletic Association of Christian Schools State Championship.

The Speaker announced that he had referred House Joint Resolution No. 324 to the Committee on Calendar.

House Joint Resolution No. 326 -- Memorials, Recognition -- Birdsong Resort and Marina, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 326 to the Committee on Calendar.

House Joint Resolution No. 328 -- Memorials, Recognition -- Angelo Lucchesi.

The Speaker announced that he had referred House Joint Resolution No. 328 to the Committee on Calendar.

House Joint Resolution No. 329 -- Memorials, Recognition -- Booker T. Washington High School, Race to the Top High School Challenge Finalist.

The Speaker announced that he had referred House Joint Resolution No. 329 to the Committee on Calendar.

Senate Joint Resolution No. 276 -- Memorials, Recognition -- Annual Statehood Day Living History Weekend.

The Speaker announced that he had referred Senate Joint Resolution No. 276 to the Committee on State and Local Government.

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Senate Joint Resolution No. 278 -- Memorials, Professional Achievement -- Colonel Jeffrey H. Holmes, promoted to Commander of the 194th Engineer Brigade of the Tennessee Army National Guard.

The Speaker announced that he had referred Senate Joint Resolution No. 278 to the Committee on Calendar.

Senate Joint Resolution No. 279 -- Memorials, Death -- Sam K. Keesecker.

The Speaker announced that he had referred Senate Joint Resolution No. 279 to the Committee on Calendar.

Senate Joint Resolution No. 280 -- Memorials, Academic Achievement -- Tianqi Gao, Salutatorian, Cookeville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 280 to the Committee on Calendar.

Senate Joint Resolution No. 281 -- Memorials, Academic Achievement -- William Gordan Kualls, Valedictorian, Upperman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 281 to the Committee on Calendar.

Senate Joint Resolution No. 282 -- Memorials, Academic Achievement -- Andrew Tyler Eastes, Valedictorian, White County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 282 to the Committee on Calendar.

Senate Joint Resolution No. 283 -- Memorials, Academic Achievement -- Kendra Lynnette Carey, Valedictorian, Stone Memorial High School.

The Speaker announced that he had referred Senate Joint Resolution No. 283 to the Committee on Calendar.

Senate Joint Resolution No. 284 -- Memorials, Academic Achievement -- Timberly Kaye Singleton, Salutatorian, Monterey High School.

The Speaker announced that he had referred Senate Joint Resolution No. 284 to the Committee on Calendar.

Senate Joint Resolution No. 285 -- Memorials, Academic Achievement -- Anthony Kristopher Scott, Salutatorian, Cumberland County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 285 to the Committee on Calendar.

Senate Joint Resolution No. 286 -- Memorials, Academic Achievement -- Jerry Dakota Lowhorn, Valedictorian, Monterey High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 286 to the Committee on Calendar.

Senate Joint Resolution No. 287 -- Memorials, Academic Achievement -- John Christopher Garland, Valedictorian, Cumberland County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 287 to the Committee on Calendar.

Senate Joint Resolution No. 288 -- Memorials, Academic Achievement -- Joshua Michael Ward, Salutatorian, White County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 288 to the Committee on Calendar.

Senate Joint Resolution No. 289 -- Memorials, Academic Achievement -- Katherine Sloan French, Salutatorian, Stone Memorial High School.

The Speaker announced that he had referred Senate Joint Resolution No. 289 to the Committee on Calendar.

Senate Joint Resolution No. 290 -- Memorials, Academic Achievement -- David Jiang, Valedictorian, Cookeville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 290 to the Committee on Calendar.

Senate Joint Resolution No. 291 -- Memorials, Academic Achievement -- Rachel Anne Presley, Salutatorian, Jackson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 291 to the Committee on Calendar.

Senate Joint Resolution No. 292 -- Memorials, Academic Achievement -- Forrest Ray Driver, Valedictorian, Jackson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 292 to the Committee on Calendar.

Senate Joint Resolution No. 293 -- Memorials, Academic Achievement -- Nathan Brent Whitehead, Salutatorian, Upperman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 293 to the Committee on Calendar.

Senate Resolution No. 30 -- Memorials, Recognition -- Joe Staton and Mike Curtis.

The Speaker announced that he had referred Senate Resolution No. 30 to the Committee on Calendar.

NOTICE

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 509, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MOTION

Senator Ford moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 329**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 329 -- Memorials, Recognition -- Booker T. Washington High School, Race to the Top High School Challenge Finalist.

On motion of Senator Ford, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 329** was concurred in.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 1962** was recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Senator McNally moved that Senate Bill No. 1962 be referred to the Committee on Calendar, which motion prevailed.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 225 -- Memorials, Recognition -- Nissan North America, Inc., 2011 Energy Star Award.

Senate Joint Resolution No. 228 -- Memorials, Professional Achievement -- Mai Bell Hurley, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 229 -- Memorials, Professional Achievement -- Amanda Tidwell Buchanan, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 230 -- Memorials, Professional Achievement -- Dr. Deborah Elwell Arkin, 2011 Chattanooga Woman of Distinction.

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Senate Joint Resolution No. 231 -- Memorials, Professional Achievement -- Susan Stein, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 232 -- Memorials, Professional Achievement -- Lynda Minks Hood, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 233 -- Memorials, Professional Achievement -- Deanne Irvine, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 234 -- Memorials, Professional Achievement -- Linda G. Harwell, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 235 -- Memorials, Professional Achievement -- Scottie Goodman Summerlin, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 236 -- Memorials, Professional Achievement -- Dr. Charlotte Boatwright, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 237 -- Memorials, Professional Achievement -- Molly Sasse, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 239 -- Memorials, Interns -- Grant Monroe.

Senate Joint Resolution No. 240 -- Memorials, Professional Achievement -- Sheila Boyington, 2011 Chattanooga Woman of Distinction.

Senate Joint Resolution No. 241 -- Memorials, Death -- Anthony Kaufmann.

Senate Joint Resolution No. 242 -- Memorials, Academic Achievement -- Kristin Alexis Jeffers, Valedictorian, Scott High School.

Senate Joint Resolution No. 243 -- Memorials, Academic Achievement -- Jacob Miles Sexton, Valedictorian, Scott High School.

Senate Joint Resolution No. 244 -- Memorials, Academic Achievement -- James Tyler Wilson, Valedictorian, Scott High School.

Senate Joint Resolution No. 245 -- Memorials, Academic Achievement -- Whitney Raven Posey, Salutatorian, Scott High School.

Senate Joint Resolution No. 246 -- Memorials, Academic Achievement -- Daphne Lynn Bunch, Valedictorian, Scott High School.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement -- Ashley Nichole Lowe, Valedictorian, Scott High School.

Senate Joint Resolution No. 248 -- Memorials, Academic Achievement -- Dylan Richard Moore, Valedictorian, Scott High School.

Senate Joint Resolution No. 249 -- Memorials, Academic Achievement -- Kelsey Renae Lowe, Valedictorian, Scott High School.

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Senate Joint Resolution No. 250 -- Memorials, Academic Achievement -- Afton Ciare Boles, Valedictorian, Scott High School.

Senate Joint Resolution No. 251 -- Memorials, Academic Achievement -- Chelsey Morgan King, Valedictorian, Scott High School.

Senate Joint Resolution No. 252 -- Memorials, Academic Achievement -- Preston Rodney Harness, Valedictorian, Scott High School.

Senate Joint Resolution No. 253 -- Memorials, Academic Achievement -- Taylor Erin Buttram, Valedictorian, Scott High School.

Senate Joint Resolution No. 254 -- Memorials, Academic Achievement -- Bailey Monroe Kirkpatrick, Valedictorian, Scott High School.

Senate Joint Resolution No. 255 -- Memorials, Academic Achievement -- Bradly Aaron Brooks, Valedictorian, Scott High School.

Senate Joint Resolution No. 256 -- Memorials, Academic Achievement -- Trevor Lee Stevens, Salutatorian, Scott High School.

Senate Joint Resolution No. 257 -- Memorials, Academic Achievement -- Elissa Nichole Lowe, Salutatorian, Scott High School.

Senate Joint Resolution No. 258 -- Memorials, Academic Achievement -- Micah Nichole Hughett, Valedictorian, Scott High School.

Senate Joint Resolution No. 259 -- Memorials, Academic Achievement -- Tiffany Ruth Ann Mullins, Valedictorian, Scott High School.

Senate Joint Resolution No. 260 -- Memorials, Academic Achievement -- Kristin Ann Clark, Salutatorian, Scott High School.

Senate Joint Resolution No. 261 -- Memorials, Academic Achievement -- Jared Reese Adkins, Valedictorian, Scott High School.

Senate Joint Resolution No. 262 -- Memorials, Academic Achievement -- Bradley Dwayne Stephens, Salutatorian, Scott High School.

Senate Joint Resolution No. 263 -- Memorials, Academic Achievement -- Devon Nicole Byrd, Salutatorian, Scott High School.

Senate Joint Resolution No. 264 -- Memorials, Academic Achievement -- Shay Anderson, Valedictorian, Scott High School.

Senate Joint Resolution No. 265 -- Memorials, Academic Achievement -- Heather Renee Bunch, Salutatorian, Scott High School.

Senate Joint Resolution No. 266 -- Memorials, Academic Achievement -- Felecia Kay Duncan, Salutatorian, Scott High School.

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Senate Joint Resolution No. 267 -- Memorials, Academic Achievement -- Brogan Shaelee Phillips, Valedictorian, Scott High School.

Senate Joint Resolution No. 268 -- Memorials, Academic Achievement -- Ashley Kay Lowe, Valedictorian, Scott High School.

Senate Joint Resolution No. 269 -- Memorials, Academic Achievement -- Jasmine Rhea Hill, Valedictorian, Scott High School.

Senate Joint Resolution No. 270 -- Memorials, Academic Achievement -- Lacey Olivia Carver, Valedictorian, Scott High School.

Senate Joint Resolution No. 271 -- Memorials, Academic Achievement -- Randall Treye Stephens, Valedictorian, Scott High School.

Senate Joint Resolution No. 272 -- Memorials, Academic Achievement -- Rhyan Keith Murley, Valedictorian, Scott High School.

Senate Joint Resolution No. 273 -- Memorials, Academic Achievement -- Jodi LaShae Sexton, Valedictorian, Scott High School.

Senate Joint Resolution No. 274 -- Memorials, Academic Achievement -- Ryan Scott Sauls, Salutatorian, Scott High School.

Senate Joint Resolution No. 275 -- Memorials, Academic Achievement -- Courtney Bowers, Valedictorian, Heritage High School.

House Joint Resolution No. 263 -- Memorials, Professional Achievement -- Amanda Tullock, Hawkins County's Teacher of the Year for Church Hill Elementary School.

House Joint Resolution No. 264 -- Memorials, Professional Achievement -- Tracie M. Hill, Hawkins County's Teacher of the Year for Church Hill Intermediate School.

House Joint Resolution No. 265 -- Memorials, Professional Achievement -- Beth Leroy, Cherokee High School Teacher of the Year.

House Joint Resolution No. 266 -- Memorials, Professional Achievement -- Tamera Tate, Keplar Elementary School Teacher of the Year.

House Joint Resolution No. 267 -- Memorials, Professional Achievement -- Justin Nelson, Teacher of the Year at Cherokee High School.

House Joint Resolution No. 268 -- Memorials, Professional Achievement -- Lori Allen, Teacher of the Year at Joseph Rogers Primary School.

House Joint Resolution No. 269 -- Memorials, Professional Achievement -- Tiffany Trent, Hawkins County's Teacher of the Year for St. Clair Elementary School.

House Joint Resolution No. 270 -- Memorials, Professional Achievement -- Sarah Arnold, Hawkins County's Teacher of the Year for the kindergarten through fourth grade division.

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House Joint Resolution No. 271 -- Memorials, Professional Achievement -- William Richard Watson II, Hawkins County's Teacher of the Year for High Schools.

House Joint Resolution No. 272 -- Memorials, Professional Achievement -- Jason Thomas Joyner, Hawkins County's Teacher of the Year for the fifth through eighth grade division.

House Joint Resolution No. 273 -- Memorials, Professional Achievement -- Jill Miller, Teacher of the Year at Mooresburg Elementary School.

House Joint Resolution No. 274 -- Memorials, Professional Achievement -- Elesha Cornett, McPheeter's Bend Elementary Teacher of the Year.

House Joint Resolution No. 276 -- Memorials, Academic Achievement -- Dillon Scott Pauley, Valedictorian, Macon County High School.

House Joint Resolution No. 277 -- Memorials, Academic Achievement -- Courtney Storey, Valedictorian, Sale Creek High School.

House Joint Resolution No. 278 -- Memorials, Retirement -- Richard Lewis Fisher.

House Joint Resolution No. 279 -- Memorials, Academic Achievement -- Kaleb Langstan, Valedictorian, Soddy Daisy High School.

House Joint Resolution No. 280 -- Memorials, Academic Achievement -- Caylee Grace Cochran, Valedictorian, Rhea County High School.

House Joint Resolution No. 282 -- Memorials, Professional Achievement -- Amy Antrican, Hawkins Elementary School Teacher of the Year.

House Joint Resolution No. 284 -- Memorials, Academic Achievement -- Hannah June Reynolds, Valedictorian, Maryville Christian School.

House Joint Resolution No. 285 -- Memorials, Academic Achievement -- Samuel Cupp, Salutatorian, Maryville High School.

House Joint Resolution No. 286 -- Memorials, Academic Achievement -- Jessica Cherylynn Beaulieu, Salutatorian, Maryville Christian School.

House Joint Resolution No. 287 -- Memorials, Academic Achievement -- Robert Pedersen, Valedictorian, Maryville High School.

House Joint Resolution No. 289 -- Memorials, Recognition -- Dr. Benjamin Hooks Inaugural Memorial Walk.

House Joint Resolution No. 306 -- Memorials, Public Service -- Benny Bills, Sumner County Director of Schools.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

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Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 315 -- Special License Plates -- As introduced, creates new specialty license plate for the Harpeth River Watershed Association; allocates funds from the sale of the plates to protection of the Harpeth River and clean water in Tennessee. Amends TCA Title 55, Chapter 4.

Senate Bill No. 448 -- Special License Plates -- As introduced, extends time for meeting issuance requirements of Fisk Jubilee Singers new specialty earmarked license plate until June 30, 2012. Amends TCA Title 55, Chapter 4.

Senate Bill No. 602 -- Regional Authorities and Special Districts -- As introduced, adds executive director of development district in which a megasite is located to megasite board. Amends TCA Title 64, Chapter 6.

On motion, Senate Bill No. 602 was made to conform with **House Bill No. 588**.

On motion, House Bill No. 588, on same subject, was substituted for Senate Bill No. 602.

Senate Bill No. 1686 -- Special License Plates -- As introduced, extends time period for Habitat for Humanity new specialty earmarked plates to meet minimum issuance requirements until July 1, 2012. Amends TCA Title 55, Chapter 4.

Senate Bill No. 1771 -- Local Government, General -- As introduced, authorizes up to four special censuses in certain situations. Amends TCA Title 6, Chapter 51, Part 1; Title 6, Chapter 56, Part 1; Section 54-4-203; Section 57-5-205 and Section 67-6-103.

Senate Bill No. 2004 -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked plates for Donate Life; 50% of the proceeds from sale of such plates earmarked for Tennessee Donor Services to raise awareness of organ and tissue donation. Amends TCA Title 55, Chapter 4.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2097 -- Franklin -- As introduced, subject to local approval, designates the four at-large aldermanic positions as A, B, C, and D and requires that candidates select and designate the position being sought. Amends Chapter 79 of the Acts of 1903; as amended.

On motion, Senate Bill No. 2097 was made to conform with **House Bill No. 2132**.

On motion, House Bill No. 2132, on same subject, was substituted for Senate Bill No. 2097.

Senate Bill No. 2098 -- Fayetteville -- As introduced, subject to local approval, rewrites the charter. Amends Chapter 294 of the Acts of 1903.

On motion, Senate Bill No. 2098 was made to conform with **House Bill No. 2141**.

On motion, House Bill No. 2141, on same subject, was substituted for Senate Bill No. 2098.

Senate Bill No. 2099 -- Savannah -- As introduced, subject to local approval, requires two readings for passage of an ordinance instead of three. Amends Chapter 683 of the Private Acts of 1951.

On motion, Senate Bill No. 2099 was made to conform with **House Bill No. 2143**.

On motion, House Bill No. 2143, on same subject, was substituted for Senate Bill No. 2099.

Senate Bill No. 2100 -- Cheatham County -- As introduced, subject to local approval, permits flexibility for the development tax to be collected at the time a building permit is issued or to defer collection until a certificate of occupancy is issued. Amends Chapter 28 of the Private Acts of 1997.

On motion, Senate Bill No. 2100 was made to conform with **House Bill No. 2142**.

On motion, House Bill No. 2142, on same subject, was substituted for Senate Bill No. 2100.

Senate Bill No. 2103 -- Cookeville -- As introduced, modifies requirements for membership on the board of trustees for the Cookeville Regional Medical Center Authority. Amends Chapter 49 of the Private Acts of 1999, as amended.

Senate Bill No. 2104 -- Winchester -- As introduced, subject to local approval, modernizes the city charter.

On motion, Senate Bill No. 2104 was made to conform with **House Bill No. 2148**.

On motion, House Bill No. 2148, on same subject, was substituted for Senate Bill No. 2104.

Senate Bill No. 2105 -- Greene County -- As introduced, subject to local approval, abolishes the position of road commissioner. Amends Chapter 130 of the Private Acts of 1927, as amended.

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On motion, Senate Bill No. 2105 was made to conform with **House Bill No. 2144**.

On motion, House Bill No. 2144, on same subject, was substituted for Senate Bill No. 2105.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senator Faulk moved that **Senate Bills Nos. 49, 1438, 426 and 1009** be placed on the Calendar for Thursday, May 5, 2011, which motion prevailed.

Senate Bill No. 113 -- Teachers, Principals and School Personnel -- As introduced, abolishes teachers' unions ability to negotiate terms and conditions of professional service with local boards of education. Amends TCA Section 5-23-107 and Title 49.

Senator Gresham moved that Amendment No. 1 be placed behind Amendment No. 5, which motion prevailed.

Senator Gresham moved that Amendment No. 2 be placed behind Amendment No. 5, which motion prevailed.

Senator Gresham moved that Amendment No. 3 be placed behind Amendment No. 5, which motion prevailed.

Senator Kyle moved that Amendment No. 4 be placed behind Amendment No. 5, which motion prevailed.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 5

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, known as the Education Professional Negotiations Act, is amended by deleting the part in its entirety and by substituting instead the following language:

49-5-601. Short title—Statement of purpose.

(a) This part shall be known and may be cited as the "Advancement of Student Achievement Act".

(b)(1) Local boards of education and their professional employees have an obligation to the public to exert their full and continuing efforts to achieve the highest possible education standards. This requires establishment and maintenance of a professional climate and working environment that will attract and retain a highly-qualified professional staff, foster open, collaborative relationships between boards of education and their professional employees based upon mutual respect, stimulate optimum performance by the staff, and encourage each and every professional employee to contribute the employee's best to the advancement of student achievement. In order to best achieve these ends, it is the purpose of this part to set forth and recognize the rights and obligations of boards of education and their professional employees, to establish procedures governing their respective roles and the important relationships between them, and to promote a professional climate in order to focus efforts on teaching and learning for all students of the public schools.

(2) Experience has shown that boards of education and their professional employees can best reach the objectives described in subdivision (b)(1), if each considers the ability, experience, and judgment of the other in formulating policies and making decisions that involve the operations of Tennessee's public schools through a collaborative, rather than confrontational, effort. It also has been shown that professional employees can perform at their best when goals and expectations as to the terms and conditions of professional service are set forth with clarity, reliability and fairness to all in a manner demonstrating concern and respect for the interests and opinions of the individual employee.

(3) It is the purpose and policy of this part to recognize the concerns of individual employees in their relations with boards of education and to recognize certain interests and responsibilities, but not obligations, of professional employees in forming, joining and assisting professional employees' organizations. Such interests and responsibilities include meeting, consulting and conferring with boards of education in good faith in order to formulate specific terms and conditions of professional service. Furthermore, in order to foster trust and mutual respect among the parties, and to provide an open and collaborative problem-solving approach to such, it is further the purpose and policy of this part to establish and adopt principles and techniques to be used in collaborative problem-solving pursuant to this part.

(c) A training program in the principles and techniques of collaborative problem-solving shall be developed by the Tennessee Organization of School Superintendents in conjunction with representative organizations of school leaders and administrators and professional employees' organizations by January 1, 2012, at which time a summary report of the training program and

related materials, if any, shall be presented to the Education Committees of the Senate and the House of Representatives. Such training program shall be implemented, as appropriate, within each local education agency no later than July 1, 2012.

(d) Any and all bargaining being conducted pursuant to the Tennessee Education Professional Negotiations Act on the effective date of this act shall be suspended.

(e) No collaboration pursuant to this part shall be conducted by a local board of education until the training developed under this part has been implemented within the local education agency.

49-5-602. Part definitions.

As used in this part, unless the context otherwise requires:

(1) "Board of education" or "local board of education" has the same meaning as the term is defined in § 49-1-103;

(2) "Collaboration" means the process by which the chair of a board of education and the board's professional employees, or such representatives as either party or parties may designate, meet at reasonable times and in good faith confer, consult, discuss, exchange information, opinions, and proposals on matters within the scope of this part relating to the terms and conditions of professional employee service;

(3) "Management personnel" means those persons or organizations chosen by the board of education to represent it in the collaboration process;

(4) "Management team" means employees who devote a majority of their time to the system-wide area or areas of professional personnel management, fiscal affairs or general management and shall specifically include principals, assistant principals, supervisors and others whose principal responsibilities are administration rather than teaching;

(5) "Person" means one (1) or more individuals, organizations, associations, or their representatives;

(6) "Professional employee" means any person employed by any local board of education in a position that requires a license issued by the Department of Education for service in public elementary and secondary schools of this state, supported, in whole or in part, by local, state or federal funds, but shall not include any member of the management team, as defined in this part, or a retired teacher who is employed as a teacher in accordance with Title 8, Chapter 36, Part 8;

(7) "Professional employees' organization" means any organization with membership open to professional employees, as defined in subdivision (6), in which the professional employees participate and that exists for the purpose of promoting the professional status and growth of educators and the welfare of students;

(8) "Representative" includes any person, or group of persons, organization or association that is designated and authorized by the respective professional employees, professional employees' organizations, or local board of education to act for it under this part; and

(9) "Strike" means the failure with others to report for duty, the willful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, and without the lawful approval of one's superior; or in any manner interfering with the operation of the public school system, for the purpose of inducing or coercing the recognition of any employee organization or a change in the conditions or compensation or the rights, privileges or obligations of employment;

(10) "Supervisor" means any professional employee of a local board of education whose full-time job responsibilities consists of oversight of other professional employees or curriculum development or both; and

(11) "Working conditions of professional employees" or "terms and conditions of professional service" means those fundamental matters that affect a professional employee financially or the employee's employment relationship with the board of education and that are specifically designated as such under this part. The term "working conditions" or "terms and conditions of professional service" is intended to be narrowly defined and does not include any matters not specifically designated under this part.

49-5-603. Rights of professional employees.

Professional employees have the right to form, join or be assisted by organizations, to participate in collaboration with boards of education through representatives of their own choosing and to engage in other concerted activities for the purpose of other mutual aid and benefit; provided, that professional employees also have the right to refrain from any or all such activities.

49-5-604. Rights preserved.

(a) Those rights and responsibilities of boards of education, directors of schools and professional employees as contained in this title are not statutorily modified or repealed by this part.

(b) This part shall not operate so as to annul, modify or preclude the continuation of any recognition heretofore entered into between a board of education and a professional employees' organization during the term of any existing contract or agreement. Upon the termination of any existing agreement, subsequent professional employee relationships between the respective board of education and its professional employees shall be governed by this part.

49-5-605. Representatives.

Experience has shown that efforts to confer, consult, discuss, and to exchange information, opinions, and proposals to provide crucial input on terms and conditions of professional service are most efficient and effective when conducted in an orderly manner by participants who were selected and authorized to represent individual professional employees or groups of employees. It is the policy and purpose of this part to ensure the rights of professional employees to participate in collaboration with boards of education individually and also through representatives of their own choosing. No professional employee, group of professional employees, or professional employee organization shall be denied the opportunity to represent themselves or groups of professional employees in discussions authorized under this part.

49-5-606. Unlawful acts.

(a) It is unlawful for a board of education or its management personnel to:

(1) Impose or threaten to impose reprisals on professional employees or discriminate against professional employees by reason of their exercise of rights guaranteed by this part;

(2) Interfere with, restrain or coerce employees in the exercise of the rights guaranteed in § 49-5-603;

(3) Refuse or fail to participate in good faith collaboration under this part;

(4) Refuse to permit any professional employees' organization to have access at reasonable times before or after the instructional day to areas in which professional employees work, to use institutional bulletin boards, mail boxes or other communication media or to use institutional facilities as permitted by a local board's policy or procedure for community use at reasonable times for the purpose of holding a meeting concerned with the exercise of the rights guaranteed by this part;

(5) Encourage or discourage membership in any organization by discrimination in hiring, granting of tenure or other terms or conditions of employment. The board of education or management personnel may express any views or opinions on the subject of employer-employee relations; provided, however, that such expression shall contain no threat of reprimand, discharge or promise of benefits;

(6) Discharge or discriminate against an employee because the employee has filed an affidavit, petition or complaint or given any information or testimony under this part;

(7) Dominate, interfere or assist in the administration of any professional employee organization;

(8) Refuse, upon request of professional employees, to permit the employees from having a representative from the employees' professional employees' organization or any individual of their choosing to represent the professional employees in employment or other legal issues including, but not limited to, the filing of grievance complaints; or

(9) Refuse to permit a professional employees' organization from distributing information, setting up displays, or speaking at an in-service where one (1) or more professional employees' organizations have been invited to do so.

(b) It is unlawful for a professional employees' organization or its representatives to:

(1) Cause or attempt to cause a board of education to engage in conduct violative of this part; provided, that this subdivision (b)(1) shall not be construed to impair the right of professional employees' organizations to prescribe its own rules with respect to operation involving the acquisition or retention of membership;

(2) Refuse or fail to participate in good faith collaboration under this part with a board of education;

(3) Interfere with, restrain or coerce professional employees or a board of education in the exercise of rights granted in this part;

(4) Engage in a strike;

(5) Urge, coerce or encourage others to engage in unlawful acts as defined in this part;

(6) Enter onto the school grounds for the purpose of contacting professional employees in such a manner and at such times as will interfere with the normal operations of the school; or

(7) Coerce or attempt to intimidate professional employees who choose not to join a professional employee organization.

(c)(1) A complaint of an unlawful act shall be filed with, or initiated by the board of education. If no reasonable resolution is reached between the parties, a complaint may be filed in the chancery court of the county where the local education agency is located.

(2) No complaint shall issue based upon any unlawful act occurring more than three (3) months prior to the filing of the complaint.

(3) The court is empowered to prevent any board of education or its agents, or organizations, associations, professional employees, or their agents, from engaging in any unlawful act.

(4) If, upon the preponderance of the evidence taken, the court is of the opinion that a party named in the complaint has engaged in or is engaging in any such unlawful act, then the court shall state its findings of fact, issue an order requiring the party to cease and desist from the unlawful act, and take affirmative action to correct the unlawful act. The order may further require the party to make reports from time to time showing the extent to which it has complied with the order.

(5) If, upon the preponderance of the testimony taken, the court is not of the opinion that a party named in the complaint has engaged in or is engaging in any such unlawful act, then the court shall state its findings of fact and shall issue an order dismissing the complaint.

49-5-607. Strikes — Remedies.

(a)(1) If a strike occurs, the board of education may apply to the chancery court in the county to enjoin the strike. The application shall set forth the facts constituting the strike.

(2) If the court finds, after a hearing, that a strike has occurred, the court shall enjoin the employees from participating in the strike.

(b) When local boards of education have determined which employees have engaged in or participated in a strike, the employees shall be subject to dismissal, reprimand or reversion to any point in probationary status at the discretion of the local board of education.

(c) No penalty, forfeiture of rights or privileges or other sanction or fine imposed on a professional employees' organization, its officers or members, or professional employees as the result of a strike, shall be subject to collaboration by the board and its professional employees at any time.

49-5-608. Scope of collaboration.

(a) A local board of education shall be required to participate in collaboration with professional employees, or their various designated representatives, if any, with respect to only those terms and conditions of employment that are specified in this section; provided, however, that after such collaboration, the board shall have final authority for the specification of the terms and conditions. Such terms and conditions include and are limited to the following:

(1) Salaries or wages;

(2) Grievance procedures;

(3) Insurance;

(4) Fringe benefits, but not to include pensions or retirement programs of the Tennessee consolidated retirement system or locally-authorized early retirement incentives;

(5) Working conditions as defined herein; except those working conditions which are prescribed by general law, private act or rules and regulations of the State Board of Education, the Department of Education or any other department or agency of state or local government;

(6) Leave; and

(7) Payroll deductions.

(b) No other terms or conditions of employment shall be the subject of collaboration between the board of education and the professional employees or their representatives and no collaboration shall be conducted on the following subjects:

(1) Differentiated pay plans and other incentive compensation programs including stipends and associated benefits that are based on professional employee performance that exceeds expectations, or that aid in hiring and retaining highly qualified teachers for hard-to-staff schools and subject areas;

(2) Expenditure of grants or awards from federal, state or local governments and foundations or other private organizations;

(3) Evaluation of professional employees pursuant to federal or state law or State Board of Education policy;

(4) Staffing decisions and State Board of Education or local board of education policies relating to innovative educational programs under § 49-1-207, innovative high school programs under Title 49, Chapter 15, virtual education programs under Title 49, Chapter 16 and other programs for innovative schools or school districts that may be enacted by the general assembly; and

(5) All personnel decisions concerning assignment of professional employees, including, but not limited to, filling of vacancies, assignments to specific schools, positions, professional duties, transfers within the system, layoffs, reductions in force, and recall.

(c) No employment policy adopted pursuant to this part shall include provisions that require personnel decisions to be determined on the basis of tenure, seniority or length of service.

(d) The director of schools shall be permitted to communicate with professional employees employed by the local board of education concerning any subject relevant to the operation of the school system, including the terms and conditions of professional service that are subject to collaboration, through any means, medium or format the director chooses.

49-5-609. Fiscal effect of collaboration.

Any items considered during the course of collaboration that require funding shall not be considered effective until such time as the body empowered to appropriate the funds has approved a budget that includes sufficient funding. In the event the amount of funds appropriated is less than the amount required to address the matters of collaboration, the parties may continue to confer to implement such items to the extent possible within the amount of funds appropriated.

49-5-610. Professional employee manuals.

(a)(1) Each local board of education shall develop and adopt a professional employee manual that contains the local board's procedures for establishing policies relative to the employment and working conditions of professional employees. The professional employee manual, once adopted, shall be binding on the local education agency until a new or renewed professional employee manual is adopted by the local board of education as provided in subdivision (a)(2).

(2) Except as provided in subdivision (a)(3), every three (3) years, or more frequently at the discretion of the local board of education, the professional employee manual shall be reviewed by the local board of education; revised, if deemed advisable, after receiving input from professional employees, individually or through representatives, and the general public as provided in subdivisions (c)(2) through (4); and adopted.

(3) If a judicial decision or change in statutory or regulatory law necessitates that a local board of education modify or rescind a provision of the professional employee manual, then the local board of education is not required to comply with subdivisions (c)(2) through (4) in making such modification or rescission.

(b)(1) The subjects addressed in the professional employee manual shall include, but not be limited to, the local board's procedures for establishing policies relative to the terms and conditions of employment listed in § 49-5-608(a).

(2) The procedures for establishing policies shall include, but not be limited to, providing notice of the local board's intent to consider or establish a policy to professional employees, parents, other education stakeholders, and the general public at least fifteen (15) calendar days prior to the scheduled meeting relative to the policy. The notice shall include a description of the policy to be considered or established.

(3) The professional employee manual shall be in accordance with all applicable mandatory federal, state, and local laws, policies, and guidelines and shall incorporate citations to, or the text of, federal, state, and local laws, policies, and guidelines governing, or relevant to, the subjects enumerated in subdivision (b)(1).

(c) A professional employee manual shall be developed and adopted by a local board of education as provided in this subsection (c).

(1)(A)(i) No later than January 1, 2012, TOSS, in consultation with each interested professional employees' organization and the Tennessee School Boards Association, shall develop and publish a model professional employee manual to aid local boards of education in the development of their professional employee manuals. TOSS may include annotations and suggested alternatives to provide guidance in those areas where a local board of education has discretion.

(ii) In developing the model professional employee manual, TOSS shall conduct a comprehensive review of contracts, agreements or policies governing terms and conditions of professional service entered into by local boards of education and recognized professional employees' organizations under the Education Professional Negotiations Act that are in effect on the effective date of this act as well as the terms and conditions of employment of those professional employees of boards of education that did not collectively bargain under the Education Professional Negotiations Act prior to the effective date of this act. TOSS shall incorporate in the model manual those provisions addressing procedures for establishing local board of education policies identified as appearing in a majority of such contracts, agreements or policies.

(iii) TOSS shall maintain and continue to revise the model professional employee manual when necessary to harmonize the model manual with applicable law and best practices; provided, that the State Board of Education shall notify each local board of education when the model manual is revised.

(B) Every local board of education shall develop and adopt, as provided in subdivisions (c)(2) through (4), an initial professional employee manual no later than April 17, 2012. Nothing in this section shall prohibit a local board of education from meeting and conferring with professional employees or their representatives, or both, to develop the initial professional employee manual.

(C)(i) The initial professional employee manual shall take effect July 1, 2012; provided, however, that any contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization under the Education Professional Negotiations Act prior to the effective date of this act

shall remain in effect until its expiration, at which time the professional employee manual adopted by the local board of education shall take effect.

(ii) If any such contract or agreement expires prior to July 1, 2012, then the teachers employed by such board of education shall retain the rights in their employment that are afforded to them under federal, state, and local law as well as applicable local board of education policies.

(2) A local board of education shall promulgate a professional employee manual taking into consideration input received from professional employees, parents, other education stakeholders, and otherwise interested members of the general public. Any proposed manual shall be posted for review on the Web site of the local board of education. If a local board of education does not have a Web site, then the local board shall, instead of posting a professional employee manual on its Web site, make available at least two (2) copies of the proposed and adopted professional employee manual in each school library within the jurisdiction of the local education agency.

(3)(A) Professional employees employed by, and retired professional employees formerly employed by the local education agency shall be provided a forty-five (45) calendar day period to submit written input to the local board of education relative to the proposed professional employee manual. No professional employee, retired professional employee, or professional employees' organization shall be denied the opportunity to submit input for consideration by the local board of education. If the proposed professional employee manual is revised by the local board of education in response to the input the board receives pursuant to this subdivision (c)(3)(A), then the revisions shall be made available for review as provided in subdivision (c)(2).

(B) The local board of education shall conduct at least one (1) public hearing, in accordance with Title 8, Chapter 44, Part 1, after the period for input provided in subdivision (c)(3)(A) has ended. If revisions are made to the proposed professional employee manual, then no public hearing relative to the proposed manual shall be held earlier than seven (7) calendar days from the date the proposed manual is made available for review. Any public hearing held relative to the proposed professional employee manual shall be held at a location and time reasonably calculated to afford professional employees, parents, other education stakeholders, and otherwise interested members of the general public the opportunity to provide input relative to the proposed professional employee manual.

(4) The adopted manual shall be made publicly available as provided in subdivision (c)(2). If requested, the local board of education shall make available a copy of the adopted professional employee manual to the Commissioner of Education upon seven (7) calendar days' notice.

SECTION 2. Tennessee Code Annotated, Section 49-5-510, is amended by deleting the language "and any locally negotiated agreement".

SECTION 3. Tennessee Code Annotated, Section 49-5-511(b)(3), is amended by deleting the language "and any locally negotiated agreement".

SECTION 4. Nothing in this act shall be construed to abridge or impair a contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization under the Education Professional Negotiations Act before the effective date of this act. Any such contract or agreement shall remain in full force and effect until the expiration of the contract or agreement; provided that no such contract or agreement may be extended or renewed beyond its date of expiration.

SECTION 5. Tennessee Code Annotated, Section 5-23-107(1), is amended by deleting the language "or negotiated agreement pursuant to Title 49, Chapter 5, Part 6" and by substituting instead the language "or professional employee manual adopted pursuant to § 49-5-610".

SECTION 6. Tennessee Code Annotated, Section 49-1-201(d)(2), is amended by deleting the subdivision in its entirety.

SECTION 7. Tennessee Code Annotated, Section 49-1-207(g), is amended by deleting the subsection in its entirety.

SECTION 8. Tennessee Code Annotated, Section 49-1-614(d)(2), is amended by deleting the language ", and the Education Professional Negotiations Act, compiled in Chapter 5, Part 6 of this title,".

SECTION 9. Tennessee Code Annotated, Section 49-2-203(a), is amended by deleting subdivision (6) in its entirety and by substituting instead the following:

(6) Except as otherwise provided in this title, establish policies relative to the dismissal of teachers, principals, supervisors and other employees by the director of schools upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense;

SECTION 10. Tennessee Code Annotated, Section 49-2-203(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Develop and adopt a professional employee manual as provided in § 49-5-610; provided, however, that no local education board shall, through the development and adoption of the professional employee manual act to adversely affect an

individual professional employee or group of professional employees for purposes unrelated to the duties and powers of the local board of education.

SECTION 11. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(EE) Within the approved budget and consistent with existing state laws and board policies, employ, transfer, suspend, non-renew and dismiss all personnel, licensed or otherwise, except as provided in § 49-2-203(a)(1) and in Chapter 5, Part 5 of this title.

SECTION 12. Tennessee Code Annotated, Section 49-3-306(h), is amended by deleting the language "and in compliance with § 49-5-611".

SECTION 13. Tennessee Code Annotated, Section 49-13-118, is amended by deleting the section in its entirety.

SECTION 14. Because Title 49, Chapter 5, Part 6, shall continue to be applicable to contracts or agreements governing terms and conditions of professional service that were negotiated and entered into by a board of education and a recognized professional employees' organization before the effective date of this act, the code commission is requested to place the Education Professional Negotiations Act together with an appropriate statement indicating its applicability in an appendix to Title 49 for the sole purpose of providing a readily available reference for those affected by such contracts or agreements until the time that all contracts or agreements negotiated under the act have expired.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Berke moved to rerefer **Senate Bill No. 113** to the Committee on Education, which motion failed by the following vote:

Ayes	13
Noes	16

Senators voting aye were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

Senators voting no were: Beavers, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--16.

Senator Johnson moved that **Senate Bill No. 113** be placed on the Calendar for Monday, May 2, 2011, which motion prevailed.

THURSDAY, APRIL 28, 2011 -- 28TH LEGISLATIVE DAY

Senate Bill No. 414 -- Education -- As introduced, states that attendance laws shall apply to remedial instruction for students who are determined to require such instruction, including summer school and after school programs. Amends TCA Title 49, Chapter 6.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the last sentence of the amendatory language of Section 1 of the bill and by substituting instead the following sentences:

The principal shall make the decision as to when the student shall be released from the requirement of attending the remedial instruction. Students may be suspended or expelled from the program under § 49-6-3401.

AND FURTHER AMEND by designating the amendatory language of Section 1 of the bill as subsection (a) and by adding the following language as new subsection (b):

(b) In making the determination under subsection (a) to require a student to attend a remediation program offered outside the regular school day, the principal shall consider the type of transportation available to the student and whether the student would face hardship in attending the program due to lack of transportation.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 414**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Summerville moved that **Senate Bill No. 688** be placed on the Calendar for Monday, May 2, 2011, which motion prevailed.

Senate Bill No. 741 -- Utilities, Utility Districts -- As introduced, revises various provisions regarding utility districts, water systems and wastewater systems including provisions governing a required bond and annual audit. Amends TCA Title 7, Chapter 82 and Title 68, Chapter 221, Part 10.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

THURSDAY, APRIL 28, 2011 -- 28TH LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Section 7-82-401(h)(1), is amended by deleting the language "the utility district's annual average unaccounted for water loss percentage in the manner prescribed by the comptroller of the treasury." in the first sentence and by substituting the following language:

the utility district's average unaccounted for water in the manner as prescribed by the utility management review board.

SECTION 2. Tennessee Code Annotated, Section 68-221-1012(b), is amended by deleting the existing language and substituting instead the following:

(b) Public water systems shall include in their annual audit the public water system's annual average unaccounted-for water loss in the manner prescribed by the water and wastewater financing board.

SECTION 3. Tennessee Code Annotated, Title 7, Chapter 82, Part 1, is amended by adding the following as a new section:

7-82-113. All expenditures of money made by a utility district must be made for a lawful district purpose.

SECTION 4. Tennessee Code Annotated, Section 7-82-401(d), is amended by inserting the following as a new subdivision (3) and renumbering the current subdivisions (3) and (4) accordingly:

(3) All travel and related costs or expenses where any portion of such costs or expenses is paid by the district or any entity or entities, public or private, associated with the district, including but not limited to, travel for commissioners and employees;

SECTION 5. Tennessee Code Annotated, Section 7-82-307(b)(1), is amended by designating the existing language as subsection (A) and adding the following language as a new subsection (B):

(B) Upon filing the petition as provided in this subdivision (b)(1), the petitioners shall also file a cash bond or attorney or corporate surety bond in the sum of three hundred fifty dollars (\$350); the bond being made payable to the State of Tennessee. Such bond shall be for the costs of hearing and processing the petition. The bond may be refunded if the utility management review board determines that the member or members of the utility district board of commissioners that are the subject of the petition should be removed; in such instance the cost of the hearing shall be assessed against the district. The administrative judge may assess additional costs against either the petitioners or the district, in accordance with this subdivision (B), to cover the total cost of the hearing.

SECTION 6. Tennessee Code Annotated, Section 7-82-307(a)(2), is amended by deleting the language:

except those utility districts using other selection methods on May 6, 2004, shall continue to use such other methods to fill vacancies

and by substituting instead the language:

except those multi-county utility districts using other selection methods on May 6, 2004, and those utility districts whose method to fill vacancies on the effective date of this act is either by a plurality vote of customers of the utility district voting in an election held by the utility district or by appointment to be made upon application to the county mayor or to the county probate judge where the principal office of the utility district is located in a county with a metropolitan form of government shall continue to use such methods to fill vacancies

SECTION 7. Tennessee Code Annotated, Section 7-82-307(a)(4), is amended by deleting the language:

, except in those utility districts using other selection methods on May 6, 2004

SECTION 8. Tennessee Code Annotated, Section 7-82-307(a)(4), is further amended by deleting the last sentence of the subdivision and by substituting instead the following language:

Any order either appointing or rejecting a list of nominees shall be entered of record on the minutes of the county legislative body and a certified copy of the order shall be furnished to the board of commissioners and to the appointee; provided, however, that upon the rejection of any entire list of nominees by the county mayor, the board of commissioners shall continue to submit new nonidentical lists of three (3) nominees to the county mayor within sixty (60) days after each such rejection until the procedure results in the position being filled for the remainder of the term or for the new term as provided in this section; provided, however, that if the county mayor fails to make an appointment for a position from such lists following three (3) submissions for such position, then the county mayor shall appoint the commissioner for such position without any further nominations.

SECTION 9. Tennessee Code Annotated, Section 7-82-307(a)(7), is amended by deleting the first sentence of the subdivision in its entirety and by substituting instead the following:

Notwithstanding any law to the contrary, the board of commissioners of a utility district excepted by subdivision (a)(2) from the uniform method created by the legislature for the filling of vacancies, may, by resolution, choose to change its present method of selection to appointment by a county mayor or mayors under subdivision (a)(4) or (a)(5).

SECTION 10. Tennessee Code Annotated, Section 7-82-307(g), is amended by deleting all of subdivision (3) subsequent to the eleventh sentence of the subdivision and by substituting instead the following language:

Any order either making an appointment or rejecting the entire list of nominees shall be entered of record on the minutes of the county legislative body, and a certified copy of the order shall be furnished to the board of utility district commissioners. If the county mayor rejects the entire final list, then the vacant, or to be vacated, office of utility district commissioner shall be filled by appointment by the county mayor without any further nominations.

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SECTION 11. No later than July 1, 2013, the commissioners of any single-county utility district using a selection method other than appointment by a county mayor as provided in subdivision (c)(4) on May 6, 2004, shall have been appointed by the county mayor unless, on the effective date of this act, the selection method used by a single-county utility district is a plurality vote of customers of the utility district voting in an election held by the utility district or the single-county district is located in a county with a metropolitan form of government and the selection method is by appointment by a county probate judge.

SECTION 12. Tennessee Code Annotated, Section 7-82-401(g), is amended by deleting subdivision (2).

SECTION 13. Tennessee Code Annotated, Section 7-82-403, is amended by deleting subsection (b) in its entirety.

SECTION 14. Tennessee Code Annotated, Section 7-82-501(c), is amended by deleting subdivision (2).

SECTION 15. Tennessee Code Annotated, Section 7-82-501(e)(1), is amended by deleting the language "Except as provided in subdivision (e)(2), prior" and by substituting instead the language "Prior".

SECTION 16. Tennessee Code Annotated, Section 7-82-501(e), is amended by deleting subdivision (2).

SECTION 17. This act shall take effect July 1, 2011, the public welfare requiring it.

MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Senator Woodson as Speaker pro tempore.

On motion, Amendment No. 1 was adopted.

Senator Yager moved that **Senate Bill No. 741**, as amended, be placed on the Calendar for Monday, May 2, 2011, which motion prevailed.

Senate Bill No. 854 -- Education -- As introduced, requires the State Board of Education to promulgate rules and regulations for the annual distribution of the Teacher Code of Ethics to K-12 educators; requires the state board to develop ethics training for use by LEAs. Amends TCA Title 49, Chapter 5, Part 10.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 10, is amended by adding the following language as a new, appropriately designated section:

49-5-10___. The State Board of Education shall post the teacher code of ethics on its Web site.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 854**, as amended, passed its third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--27.

A motion to reconsider was tabled.

Senate Bill No. 882 -- Students -- As introduced, requires the Department of Safety to report annually to the Senate and House Education Committees the number of students whose driver licenses were denied or suspended for failure to make satisfactory academic progress; requires the Department of Safety also to report the number of such students whose licenses were granted or reinstated. Amends TCA Title 49, Chapter 6, Part 30 and Title 55, Chapter 50.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the words "denied or" in the amendatory language of Section 1 of the bill.

AND FURTHER AMEND by deleting the second sentence of the amendatory language of Section 1 of the bill and substituting instead the following:

The Department of Safety shall also report the number of students whose licenses were reinstated during such school year after such students had their licenses suspended and the total number of licenses granted to students during the school year.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 882**, as amended, passed its third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--27.

A motion to reconsider was tabled.

Senate Bill No. 905 -- Local Education Agencies -- As introduced, states that all local education agency employees in positions for which no teaching license is required shall be hired on an at-will basis. Amends TCA Section 49-2-301.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-301, is amended by deleting subdivision (b)(1)(FF) and by substituting the following language:

(FF) All persons who are employed in a position for which no teaching license is required shall be hired at the will of the director of schools. The local board of education shall develop a policy for dismissing such employees.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 905**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	8

Senators voting aye were: Beavers, Berke, Campfield, Crowe, Faulk, Ford, Gresham, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson and Yager--22.

Senators voting no were: Barnes, Burks, Finney, Harper, Haynes, Herron, Marrero and Stewart--8.

A motion to reconsider was tabled.

Senate Bill No. 1265 -- Criminal Offenses -- As introduced, expands the definition of child endangerment to include exposing a child to initiation of the manufacture of methamphetamine. Amends TCA Title 39 and Title 40.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-431, is amended by deleting the section in its entirety and by substituting instead the following:

39-17-431.

(a) Except as provided in this section, any product that contains any immediate methamphetamine precursor may be dispensed only by a licensed pharmacy.

(b)(1) A product or category of products that contains any immediate methamphetamine precursor shall be exempt from the requirements of

this section if the ingredients are not in a form that can be used in the manufacture of methamphetamine.

(2) The board of pharmacy, in consultation with the Tennessee Bureau of Investigation, shall determine whether a product or category of products that contain any immediate methamphetamine precursor is not in a form that can be used in the manufacture of methamphetamine. In making such a determination, the board shall solicit the written opinion of the bureau and work with the bureau to develop procedures that consider, among other factors:

(A) The ease with which the product can be converted to methamphetamine, including the presence or absence of a "molecular lock" completely preventing a product's use in methamphetamine manufacture;

(B) The ease with which pseudoephedrine can be extracted from a product and whether it forms a salt, emulsion, or other form; and

(C) Any other pertinent data that can be used to determine the risk of a product being viable in the illegal manufacture of methamphetamine.

(3) The board of pharmacy shall maintain a public list of the exempted products or categories of products. Any person may request that a product or category of products be included on the exemption list.

(c)(1) A pharmacy shall not sell to the same person products containing more than three and six tenths (3.6) grams per day, or more than nine (9) grams per thirty-day period, of ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers. The limits shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibition contained in this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the law of this state.

(2) A person shall not purchase products containing more than three and six tenths (3.6) grams per day, or more than nine (9) grams per thirty-day period, of ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers. The limits in this provision apply whether one form of ID is used to make the purchase or if two or more are used to purchase the products. The limits shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibition contained in this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the law of the state.

(3) This subsection (c) also shall apply to pharmacist-generated prescription orders of the product pursuant to § 63-10-206. The provision of the patient education and counseling as a part of the practice of pharmacy shall be required when product is issued under this subsection (c).

(4) There shall be no protocol or procedure mandated by any individual or corporate entity that interferes with the pharmacist's professional duty to counsel and evaluate the patient's appropriate pharmaceutical needs and the exercise of the pharmacist's professional judgment as to whether it is appropriate to dispense medication as set forth in subsection (d) or otherwise.

(d) The pharmacist or pharmacy intern under the supervision of the pharmacist shall require any person purchasing an over-the-counter product containing pseudoephedrine or ephedrine to present valid government-issued photo identification at the point of sale. The pharmacist or pharmacy intern shall counsel with the person seeking to purchase the product as to the reasons for needing the product and may decline the sale if the pharmacist or pharmacy intern believes the sale is not for a legitimate medical purpose. The pharmacist, pharmacy technician, or pharmacy intern shall maintain an electronic record of the sale under this subsection (d), and the record may be maintained in the form of a pharmacist prescription order as provided by § 63-10-206(c). The electronic record shall include the name and address of purchaser; name and quantity of product purchased; date and time purchased; purchaser identification type and number, such as driver license state and number; and the identity, such as name, initials or identification code, of the dispensing pharmacist or pharmacy intern. If a system is not able to record the identification type and number, the pharmacist, pharmacy technician, or pharmacy intern shall write the identification type and number on the prescription order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased.

(e)(1) By January 1, 2012, each pharmacy in this state shall have in place and operational all equipment necessary to access and use the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI). The NPLEx system shall be available for access and use free of charge to the pharmacies and the State of Tennessee.

(2) Beginning January 1, 2012, before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine not otherwise excluded from the record-keeping requirement, a pharmacy shall electronically submit the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI). Except as provided in subsection (j), the seller shall not complete the sale if the system generates a stop sale alert.

(3) Absent negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy utilizing the electronic sales tracking system in accordance with this subsection (e) shall not be civilly liable as a result of any act or omission in carrying out the duties required by this subsection (e) and shall be immune from liability to any third party unless the retailer has violated this subsection (e) in relation to a claim brought for such violation. This subsection (e) shall not apply to a person who obtains the product or products pursuant to a valid prescription.

(4) The data entered into, stored and maintained by the National Precursor Log Exchange (NPLEx) may only be used by law enforcement officials, healthcare professionals and pharmacists and only for controlling the sale of methamphetamine precursors.

(5) If for any reason the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI) is no longer the system used in this state to track the sale of methamphetamine precursors, whether because the system no longer functions, is no longer in existence, is no longer offered to the state without cost, or is otherwise no longer available, each pharmacy shall switch to and commence using the Tennessee Methamphetamine Information System (TMIS), as soon as the equipment necessary to access and use the system is made available at no charge to the pharmacy. TMIS shall be available for access and use free of charge to the pharmacies.

(f) If a pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine experiences mechanical or electronic failure of the tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or retail establishment shall maintain a written log until such time as the pharmacy or retail establishment is able to comply with the electronic sales tracking requirement.

(g) A pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine may seek an exemption from submitting transactions to the electronic sales tracking system in writing to the board of pharmacy stating the reasons therefore. The board of pharmacy may grant an exemption for good cause shown, but in no event shall such exemption exceed one hundred eighty (180) days. Any pharmacy or retail establishment that receives an exemption shall maintain a hardcopy logbook and must still require the purchaser to provide the information required under this section before completion of any sale. The logbook shall be maintained as a record of each sale for inspection by any law enforcement officer or inspector of the board of pharmacy during normal business hours.

(h) Non exempt products containing an immediate methamphetamine precursor shall be maintained behind the counter of the pharmacy or in a locked case within view of and within twenty-five feet (25') of the counter.

(i) All data that is collected from Tennessee pharmacies and stored in the National Precursor Log Exchange (NPLEx) will be downloaded and exported by electronic means to the Tennessee Methamphetamine Intelligence System (TMIS) at least every twenty-four (24) hours. This export of data will be in a version in compliance with the National Information Exchange Standard and agreed to by both the Tennessee Bureau of Investigation and the National Association of Drug Division Investigators (NADDI). The export will be executed without a charge to TMIS or any agency of the State of Tennessee. Any and all data exported to, obtained by, gathered by, transmitted to and/or stored by TMIS or its designee, once received from NADDI, is the property of the State of Tennessee. TMIS has the authority to control, administer, and disseminate, at its discretion, this transaction data for the purpose of enforcing federal and state laws. In addition to the exporting of data to TMIS, real time access to NPLEx information through the NPLEx online portal shall be provided to law enforcement in the state free of charge.

(j) The National Precursor Log Exchange (NPLEx) shall generate a stop sale alert, if completion of a sale would result in the seller or purchaser violating the quantity limits set forth in this section. The system shall contain an override function that may be used by a dispenser of ephedrine or pseudoephedrine who has a reasonable fear of imminent bodily harm if the sale is not completed. Each instance in which the override function is utilized shall be logged by the system.

(k) A violation of subsections (a)—(j) of this section is a Class A misdemeanor, punishable by fine only. If the person in violation is a licensed pharmacy or pharmacist, the violation shall be reported to the board of pharmacy for review and appropriate action. If a product is dispensed in violation of subsection (a), the owner or operator of the wholesale or retail establishment dispensing the product shall be in violation of subsection (a).

(l)(1) A person who commits an offense on or after the effective date of this act that results in such person being placed on the methamphetamine registry established by § 39-17-436, shall be prohibited from purchasing a nonexempt product for the entire seven (7) years the person is required to be on the methamphetamine registry.

(2) The Tennessee Bureau of Investigation, in cooperation with the National Association of Drug Diversion Investigators (NADDI), shall devise a method to electronically notify at least every seven (7) days (NADDI), which administers the National Precursor Log Exchange (NPLEx), of any person placed on the methamphetamine registry pursuant to 39-17-436(b). Included in the notification shall be the first, middle and last names of the person and the person's date of birth. The NPLEx shall be designed to generate a stop sale alert for any purchaser whose name has been submitted as a person on said registry. Said person shall be prohibited from purchasing nonexempt products at the point-of-sale using the NPLEx.

(3) The bureau shall also notify NADDI when a person is removed from the methamphetamine registry pursuant to § 39-17-436(e). When notified, the person shall be removed from NPLeX and is permitted to purchase nonexempt products.

(4)(A) Any person who sells or delivers a nonexempt substance to a person known to be on the methamphetamine registry commits a Class A misdemeanor.

(B) Any person who purchases or attempts to purchase a nonexempt substance while such person is on the methamphetamine registry commits a Class A misdemeanor.

(m)(1) It is an offense for a person not authorized to do so to knowingly engage in any of the following conduct with respect to a nonexempt product containing an immediate methamphetamine precursor and required to be maintained behind the counter of the pharmacy as specified in subsection (h) of this section:

(A) Sell, attempt to sell, or possess the product with the intent to sell it to another for a non-medical use or unlawful purpose;

(B) Purchase or attempt to purchase the product for another or possess the product with the intent to deliver it to another for a non-medical use or unlawful purpose;

(C) Purchase the product at different times or locations for the purpose of circumventing the maximum allowable quantity of the product that may lawfully be purchased during a one (1) day or thirty (30) day period; or

(D) Use a false identification to purchase the product for the purpose of circumventing the maximum allowable quantity of the product that may lawfully be purchased during a one (1) day period or thirty (30) day period.

(2)(A) A violation of this subsection (m) shall be a Class A misdemeanor. All proceeds from fines imposed pursuant to this subsection shall be used by the jurisdiction making the arrest for methamphetamine clean-up activities in that jurisdiction.

(B) Any person convicted of a violation of this subsection shall be placed on the methamphetamine registry established by § 39-17-436, and such person shall be prohibited from purchasing a nonexempt product for the seven (7) years such person is required to be on the registry.

(n) This section shall supersede any local laws or ordinances currently regulating sales of products containing any immediate methamphetamine precursor.

(o)(1) The office of the comptroller of the treasury shall conduct a study of methamphetamine use in Tennessee. The study shall include: a review of existing literature; a review of available information on programs in other states, particularly those states that require a prescription for methamphetamine precursor purchase; and analysis of data and information from the Tennessee Methamphetamine Task Force, the Tennessee Bureau of Investigation, and other state or local agencies.

(2) The comptroller shall complete its study by no later than January 1, 2013, and report the findings to the House of Representatives Health and Human Resources Committee and the Senate General Welfare, Health and Human Resources Committee.

SECTION 2. Tennessee Code Annotated, Section 39-17-428(b), is amended by adding the following as new subsections:

(14) First conviction for an offense order § 39-17-431(m).....\$1,000.

(15) Second or subsequent conviction for an offense under § 39-17-431(m).....\$2,000.

SECTION 3. Tennessee Code Annotated, Section 39-17-433(c), is amended by deleting the word and number "twenty (20)" and substituting in lieu thereof the word and number "fifteen (15)".

SECTION 4. Tennessee Code Annotated, Section 39-15-402(a)(2), is amended by deleting the word "or" from the end of the subdivision.

SECTION 5. Tennessee Code Annotated, Section 39-15-402(a)(3), is amended by deleting the period at the end of the subdivision and by substituting instead a semicolon and the word "or".

SECTION 6. Tennessee Code Annotated, Section 39-15-402(a), is amended by inserting the following as a new subsection:

(4) The act of endangerment results if the person knowingly exposes the child to a violation of Section 39-17-435.

SECTION 7. This act shall take effect on July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting § 39-17-431(l)(2) in its entirety and by substituting instead the following:

(2) The Tennessee Bureau of Investigation, in cooperation with the National Association of Drug Diversion Investigators (NADDI) which administers the National Precursor Log Exchange (NPLEx), shall devise a method to electronically notify NADDI at

THURSDAY, APRIL 28, 2011 -- 28TH LEGISLATIVE DAY

least every seven (7) days of any person placed on the methamphetamine registry pursuant to § 39-17-436(b). The notification shall include the first, middle and last names of the person and the person's date of birth. The NPLEx shall be designed to generate a stop sale alert for any purchaser whose name has been submitted to the registry. Such person shall be prohibited from purchasing nonexempt products at the point-of-sale using the NPLEx.

AND FURTHER AMEND by deleting the word "order" in subdivision (14) in Section 2 and by substituting instead the word "under".

AND FURTHER AMEND by deleting Section 6 in its entirety and by substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 39-15-402(a), is amended by adding the following language as a new subdivision:

(4) The act of abuse, neglect or endangerment results from the knowing exposure of a child to the initiation of a process intended to result in the manufacture of methamphetamine as described in § 39-17-435

On motion, Amendment No. 2 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following as a new subsection to the end of the amendatory language of Section 1 as amended:

() For the purposes of this section, "pharmacy" means only a pharmacy operating under Title 63, Chapter 10, which sells any immediate methamphetamine precursor at retail to the public.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 1265**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MR. SPEAKER RAMSEY RESUMES CHAIR

Mr. Speaker Ramsey resumed the Chair.

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Mr. Speaker Ramsey moved that **Senate Bill No. 1468** be placed on the Calendar for Thursday, May 5, 2011, which motion prevailed.

Senator Barnes moved that **Senate Bill No. 1471** be placed on the Calendar for Thursday, May 5, 2011, which motion prevailed.

Senator Tracy moved that **Senate Bill No. 1707** be rereferred to the Committee on Finance, Ways and Means, which motion prevailed.

Madam Speaker Pro Tempore Woodson moved that **Senate Bill No. 1709** be rereferred to the Committee Calendar, which motion prevailed.

Senator Kyle moved that **Senate Bill No. 1878** be placed on the Calendar for Monday, May 2, 2011, which motion prevailed.

Senate Bill No. 1837 -- Watershed Development -- As introduced, authorizes the Beech River watershed development authority to create the position of board member emeritus and establishes the qualifications for such position. Amends TCA Title 64, Chapter 1.

On motion, Senate Bill No. 1837 was made to conform with **House Bill No. 584**.

On motion, House Bill No. 584, on same subject, was substituted for Senate Bill No. 1837.

On motion of Mr. Speaker Ramsey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 584** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Joint Resolution No. 46 -- Memorials, Recognition -- 100% Graduation Initiative.

Senate Joint Resolution No. 46 was adopted by the following vote:

Ayes	28
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, McNally, Overbey, Roberts, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senate Bill No. 45 -- Sales -- As introduced, requires the most recent sales tax reporting period be used by aviation fuel dealers for purposes of filing a monthly report with the Department of Revenue; revises other provisions for reporting fuel sales. Amends TCA Title 67, Chapter 4 and Title 67, Chapter 6.

On motion, Senate Bill No. 45 was made to conform with **House Bill No. 566**.

On motion, House Bill No. 566, on same subject, was substituted for Senate Bill No. 45.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 566** passed its third and final consideration by the following vote:

Ayes	21
Noes	1
Present, not voting . . .	2

Senators voting aye were: Barnes, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, McNally, Overbey, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senator voting no was: Berke--1.

Senators present and not voting were: Campfield and Marrero--2.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 214** be rereferred to the Committee on Government Operations, which motion prevailed.

Senate Bill No. 489 -- Public Contracts -- As introduced, increases the amount the superintendent of an urban-type public facility may purchase without approval of the governing authority from \$500 to \$10,000 and increases the amount of construction contracts from \$2,000 to \$10,000 for which the superintendent must advertise for bids. Amends TCA Section 5-16-105.

On motion, Senate Bill No. 489 was made to conform with **House Bill No. 385**.

On motion, House Bill No. 385, on same subject, was substituted for Senate Bill No. 489.

House Bill No. 385 passed its third and final consideration by the following vote:

Ayes	24
Noes	4

Senators voting aye were: Barnes, Beavers, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Overbey, Roberts, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Berke, Herron, Marrero and Stewart--4.

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A motion to reconsider was tabled.

Senate Bill No. 611 -- Medical Occupations -- As introduced, revises provisions governing restrictive covenants for healthcare providers. Amends TCA Title 63.

Senator Overbey declared Rule 13 on **Senate Bill No. 611**.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Sections 1 and 2 and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 63-1-148, is amended by deleting subdivision (a)(2) and by renumbering the remaining subdivisions accordingly.

SECTION 2. Tennessee Code Annotated, Section 63-1-148(c), is amended by adding the language ", 9" between the language "8" and the language "and 11".

On motion, Amendment No. 1 was adopted.

Senator Overbey moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the effective date in its entirety and by substituting instead the following language:

SECTION 3. This act shall take effect January 1, 2012, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes 27
Noes 1

Senators voting aye were: Barnes, Beavers, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

Senator voting no was: Marrero--1.

Thereupon, **Senate Bill No. 611**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 3

Senators voting aye were: Barnes, Beavers, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, McNally, Overbey, Roberts, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

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Senators voting no were: Kyle, Marrero and Stewart--3.

A motion to reconsider was tabled.

Senator Henry moved that **Senate Bill No. 1145** be placed on the Calendar for Thursday, May 5, 2011, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 756** be placed on the Calendar for Thursday, May 5, 2011, which motion prevailed.

Senate Bill No. 818 -- Disabled Persons -- As introduced, replaces references to mental retardation with references to intellectual disabilities. Amends TCA Title 2; Title 4; Title 5; Title 8; Title 10; Title 37; Title 48; Title 49; Title 56; Title 63; Title 68; Title 70 and Title 71.

On motion, Senate Bill No. 818 was made to conform with **House Bill No. 1134**.

On motion, House Bill No. 1134, on same subject, was substituted for Senate Bill No. 818.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1134** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 935** be placed on the Calendar for Thursday, May 5, 2011, which motion prevailed.

Senate Joint Resolution No. 177 -- Memorials, Public Service -- Doug Jackson.

Senate Joint Resolution No. 177 was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MESSAGE CALENDAR

Senator Ketron moved that **Senate Bill No. 16** be placed on the Message Calendar for Thursday, May 12, 2011, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 265 -- Highway Signs -- As introduced, names a portion of I-75 the "Tuskegee Airmen Memorial Trail".

HOUSE AMENDMENT NO. 1

AMEND by deleting Sections 5 and 6 of the introduced bill and by substituting instead the following:

SECTION 5. This act shall become operative only if the cost of the manufacture and installation of such signs is paid to the Department of Transportation from non-state funds within one (1) year of the effective date of this act. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to the person or entity paying for such signs within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department in non-state funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 6. The appellation "Tuskegee Airmen Memorial Trail" provided for in this act is for honorary purposes only and nothing contained herein shall be construed as requiring the alteration of any address, or the governmental system for assigning addresses, in any county, municipality or other governmental entity affected by this act.

SECTION 7. Nothing contained in this act shall be construed as requiring the alteration of any previously named segment or segments of, or bridges on, any highways described in Section 1 of this act as the "Tuskegee Airmen Memorial Trail".

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Harper moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 265**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 655 -- Law Enforcement -- As introduced, establishes the Blue Alert system to provide rapid dissemination of information to aid in detection of persons when law enforcement officer is killed, injured or suspiciously missing in line of duty. Amends TCA Title 38, Chapter 6, Part 1.

HOUSE AMENDMENT NO. 2

AMEND by deleting from the amendatory language of Section 1(b) the language "law enforcement's safety" and substituting instead "law enforcement officer's safety".

Senator Tracy moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 655**, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**COMMITTEE ON CALENDAR'S REPORT
ON QUALIFIED ANNUAL EVENTS**

REPORT OF THE COMMITTEE ON CALENDAR

The Committee on Calendar recommends that the following annual events be authorized by the General Assembly in accordance with the provisions of Article XI, Section 5 of the Constitution of Tennessee, and pursuant to the Tennessee Charitable Gaming Implementation Law.

This the 25th day of April, 2011

/s/ Senator Mike Faulk, Chairperson
/s/ Senator Mark Norris
/s/ Senator Jim Kyle

**Tennessee Secretary of State's Office
Charitable Organizations - Gaming Event Applications
Second Omnibus List**

Year Ending: 06/30/2012

Transmitted Pursuant to Chapter 10 of the Public Acts of 2011

Bradley County - Total approved in this county: 1

Civitan International

Event Name	Cleveland Civitan Inclusive Playground Fundraiser
Event Type	Raffle

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Event Address 4595 N. Lee Hwy., Cleveland, TN 37312
Event Date 10/15/2011

Davidson County - Total approved in this county: 2

Bellevue Exchange Club Foundation, Inc.

Event Name Bellevue Exchange Club Foundation, Inc., Reverse Draw
Event Type Raffle
Event Address 8204 Highway 100, Nashville, TN 37221
Event Date 2/20/2012

Junior League of Nashville, Inc.

Event Name Tis the Season Holiday Market Place
Event Type Raffle
Event Address Nashville Convention Center, Nashville, TN 37203
Event Date 11/20/2011

Franklin County - Total approved in this county: 1

Foundation for Educational Excellence

Event Name PEN Foundation/Rotary Benefit Dinner
Event Type Raffle
Event Address 912 Country Club Road, Winchester, TN 37398
Event Date 9/24/2011

Hamblen County - Total approved in this county: 1

Grainger County Humane Society

Event Name Building Fund 50/50
Event Type Raffle
Event Address 1609 W. First North St., Morristown, TN 37711
Event Date 10/15/2011

Hamilton County - Total approved in this county: 1

Chattanooga Area Food Bank, Inc.

Event Name Toy Corvette Raffle
Event Type Raffle
Event Address 1826 Reggie White Blvd., Chattanooga, TN 37408
Event Date 12/11/2011

Sevier County - Total approved in this county: 1

American Cancer Society - Mid-South Division, Inc.

Event Name Relay for Life Duck Race
Event Type Raffle

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Event Address 4554 Jones Cove Road, Sevierville, TN 37876
Event Date 7/23/2011

Sumner County - Total approved in this county: 1

Brain Injury Association of Tennessee, Inc.

Event Name "Hits for Heads" Softball Tournament
Event Type Raffle
Event Address Drakes Creek Park - 130 Cherokee Road, Hendersonville, TN 37075
Event Date 8/6/2011

Williamson County - Total approved in this county: 1

Williamson Medical Center Foundation, Inc.

Event Name Williamson Medical Center Foundation Golf Tournament
Event Type Raffle
Event Address Vanderbilt Legends Club - 1500 Legends Club Lane, Franklin, TN 37064
Event Date 10/22/2011

Senator Faulk moved that pursuant to Article XI, Section 5 of the Constitution of the State of Tennessee, that the Committee on Calendar's 2011 Report on Charitable Gaming and Qualified Annual Events Second Report be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 28
Noes 0
Present, not voting . . . 2

Senators voting aye were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senators present and not voting were: Campfield and Henry--2.

MOTION

Senator Ketron moved that the Proposed Schedule for the week of May 2, 2011, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MAY 2, 2011**

MONDAY – May 2

2:30 p.m.

State & Local Government Committee

THURSDAY, APRIL 28, 2011 -- 28TH LEGISLATIVE DAY

5:00 p.m.

Session – Senate Chamber

TUESDAY – May 3

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 3:30 p.m.	Judiciary Committee
3:30 p.m. – 5:00 p.m.	Commerce, Labor & Agriculture Committee

WEDNESDAY – May 4

8:30 a.m.

Session – Senate Chamber

10:00 a.m. – 11:00 a.m.	Government Operations Committee
11:00 a.m. – 12:00 noon	Tax Sub-committee of Finance, Ways & Means Committee
12:00 noon – 12:20 p.m.	Lunch
12:20 p.m. – 12:30 p.m.	Lottery Sub-committee of the Senate Education
12:30 p.m. – 3:00 p.m.	Education Committee
3:00 p.m. – 5:00 p.m.	Judiciary Committee

THURSDAY – May 5

9:00 a.m.

Session – Senate Chamber

NOTE: Government Operations Joint Sub-committee on State & Local Government, Monday, May 2, 2011, at 1:00 p.m., Room 12 LP.

Pre-Commerce meeting, Tuesday, May 3, 2011, at 7:30 a.m., Room 12 LP.

MOTION

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 261**.

On motion of Senators Burks and Ford, their names were added as sponsors of **Senate Bill No. 414**.

On motion of Senators Herron and Ford, their names were added as sponsors of **Senate Bill No. 448**.

On motion of Senator Herron, his name was added as sponsor of **Senate Bills Nos. 1686 and 2004; Senate Joint Resolutions Nos. 225, 228, 229, 234, 236, 237 and 239; and House Joint Resolutions Nos. 278 and 289**.

On motion of Senator Finney, his name was added as sponsor of **Senate Bill No. 572**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bills Nos. 688, 1265, 1468 and 1709**.

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On motion of Senators Ford and Marrero, their names were added as sponsors of **Senate Bill No. 818**.

On motion of Senator Woodson, her name was added as prime sponsor of **Senate Bill No. 1011**.

On motion of Senator Kelsey, his name was removed as sponsor of **Senate Bill No. 1011**.

On motion of Senator Bell, his name was added as prime sponsor of **Senate Bill No. 1094**.

On motion of Senator Beavers, her name was removed as sponsor of **Senate Bill No. 1094**.

On motion of Senators Kelsey, Campfield, Herron and Roberts, their names were added as sponsors of **Senate Bill No. 1265**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 1837**; and **Senate Joint Resolution No. 228**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Bill No. 2004**.

On motion of Senator Ford, her name was added as sponsor of **Senate Joint Resolution No. 46**.

On motion of Senators Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 177**.

On motion of Senator Berke, his name was added as sponsor of **Senate Joint Resolution No. 225**.

On motion of Senator Harper, her name was added as sponsor of **Senate Joint Resolutions Nos. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237 and 240**.

On motion of Senator Watson, his name was added as sponsor of **Senate Joint Resolution No. 240**; and **House Joint Resolution No. 277**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolution No. 276**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 282**.

On motion of Senators Watson and Berke, their names were added as sponsors of **House Joint Resolution No. 279**.

On motion of Senator Yager, his name was added as sponsor of **House Joint Resolution No. 280**.

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolutions Nos. 284, 285, 286 and 287**.

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On motion of Senators Berke, Finney, Marrero and Harper, their names were added as sponsors of **House Joint Resolution No. 289**.

On motion of Senators Roberts and Beavers, their names were added as sponsors of **House Joint Resolution No. 306**.

On motion of Senators Ford, Kelsey, Kyle, Marrero, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 329**.

ENGROSSED BILLS

April 28, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 315, 414, 448, 611, 854, 882, 905, 1265, 1686, 1771, 2004 and 2103; and Senate Joint Resolutions Nos. 46, 177, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 185, 965 and 1909; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 171, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 326 and 328, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 28, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 341, 342, 343, 344, 345, 346, 347, 348 and 349; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 52 and 350, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 836, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1171, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 483, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, 220, 223 and 295; concurred in by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 235, passed by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

April 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 52, 350, 836 and 1171; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

April 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, 220, 223 and 295; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

April 28, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 235, 265, 483 and 655; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 28, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 282, 284, 285, 286, 287, 289, 306 and 329; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

THURSDAY, APRIL 28, 2011 -- 28TH LEGISLATIVE DAY

SIGNED

April 27, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 31, 32, 268, 407, 408, 549, 740, 773, 831, 832, 1153, 1446, 1853 and 1921.

SIGNED

April 27, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, 220, 223 and 295.

SIGNED

April 27, 2011

The Speaker announced that he had signed the following: House Bills Nos. 376, 612, 623, 643, 654 and 1117.

SIGNED

April 28, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 52, 350, 836 and 1171.

SIGNED

April 28, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 282, 284, 285, 286, 287, 289, 306 and 329.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 31, 32, 268, 407, 408, 549, 740, 773, 831, 832, 1153, 1446, 1853 and 1921; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 27, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, 220, 223 and 295; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

THURSDAY, APRIL 28, 2011 -- 28TH LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

April 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 31, 32, 268, 407, 408, 549, 740, 773, 831, 832, 1153, 1446, 1853 and 1921; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 162, 750, 1500, 1533, 1558, 1559, 1722 and 1811; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, 220, 223 and 295; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 27, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 294, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 28, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 174, 179, 180, 199, 201 and 238; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

THURSDAY, APRIL 28, 2011 -- 28TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

April 29, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 67, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, 196, 197, 198, 202, 203, 204 and 205; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 2, 2011: Senate Joint Resolutions Nos. 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292 and 293; Senate Resolution No. 30; and House Joint Resolutions Nos. 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 301, 302, 303, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 326 and 328.

This the 29th day of April, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 2, 2011: Senate Bills Nos. 166, 194, 455, 464, 1824 and 1936; Senate Joint Resolution No. 103; and House Joint Resolutions Nos. 57, 58 and 151.

This the 29th day of April, 2011.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 2, 2011: Senate Bills Nos. 88, 551, 572, 703, 710, 763, 910, 1037, 1042, 1045, 1158, 1284, 1391, 1416, 1557, 1796, 1808, 1988, 113, 688, 741, 923 and 1878; and Senate Joint Resolution No. 86.

This the 29th day of April, 2011.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Ketron moved the Senate adjourn until 5:00 p.m., Monday, May 2, 2011, which motion prevailed.